

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STAMAR RICHARD MILLER,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 22-CV-2540
	:	
GEORGE W. HILL DELAWARE	:	
COUNTY CORRECTIONAL	:	
FACILITY, <i>et al.</i>,	:	
Defendants.	:	

ORDER

AND NOW, this 11th day of July, 2022, upon consideration of Stamar Richard Miller's Motion to Proceed *In Forma Pauperis* (ECF No. 4), Prisoner Trust Fund Account Statement (ECF No. 5), and *pro se* Complaint (ECF No. 1), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Stamar Richard Miller, # 20002351, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of George W. Hill Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Miller's inmate account; or (b) the average monthly balance in Miller's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Miller's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income

credited to Miller's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of George W. Hill Correctional Facility.

4. The Complaint is **DEEMED** filed.

5. Miller's Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum.

6. The Clerk of Court shall **CLOSE** this case.

7. The Clerk of Court is **DIRECTED** to open a new civil action using Miller's Amended Document (ECF No. 3) and place a copy of this Order on the docket of that newly opened civil action.

8. Miller is **DIRECTED** to pay within thirty days \$402 (the \$350 filing fee and \$52 administrative fee) to the Clerk of Court or seek leave to proceed *in forma pauperis* in the new civil action by filing a Motion and a copy of his inmate account statement. Should Miller opt not to pursue the claims contained in the newly opened civil action, he may so advise the Court and the case will be withdrawn.

9. The Clerk of Court is **DIRECTED** to furnish Miller with a blank copy of this Court's current standard prisoner *in forma pauperis* form bearing the civil action number of the newly opened case.¹ Miller may use this form to seek leave to proceed *in forma pauperis* if he

¹ This form is available on the Court's website at <http://www.paed.uscourts.gov/documents/forms/ifpsfrm.pdf>.

cannot afford to pay the fees to commence the case.

BY THE COURT:

/s/ John Milton Younge

JUDGE JOHN MILTON YOUNGE